

114.4 CMR 10.00: RATES FOR COMPETITIVE INTEGRATED EMPLOYMENT SERVICES

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10.01: General Provisions

(1) Scope. 114.4 CMR 10.00 governs the payment rates effective July 1, 2009 for Competitive Integrated Employment Services (CIES) purchased by a Governmental Unit. CIES are provided to assist Clients to obtain and retain competitive employment in an integrated, community-based work setting with wages and benefits that are comparable to those received by other workers in similar positions. CIES consist of five separate Service Components, each associated with a specific Client outcome: intake, evaluation, and assessment; job-targeted educational and skills development activities; job development and placement; initial employment supports; and ongoing and interim supports. CIES are furnished under an Executive Office of Health and Human Services (EOHHS) Master Agreement (MA). Providers qualified to deliver CIES under the MA will be engaged separately by EOHHS departments to deliver specified services.

(2) Disclaimer of Authorization of Services. 114.4 CMR 10.00 is neither authorization for nor approval of the services for which rates are determined pursuant to 114.4 CMR 10.00. Governmental units which purchase CIES are responsible for the definition, authorization, and approval of services extended to Clients.

(3) Administrative Bulletins. The Division may issue administrative bulletins to clarify its policy on substantive provisions of 114.4 CMR 10.00.

(4) Authority. 114.4 CMR 10.00 is adopted pursuant to M.G.L. c. 118G.

10.02: Definitions

Meaning of Terms. As used in 114.4 CMR 10.00, unless the context requires otherwise, terms shall have the meanings ascribed in 114.4 CMR 10.00.

Client. An individual that receives CIES purchased by a Governmental Unit, including, but not limited to, clients currently or formerly receiving services from the Department of Mental Retardation: Employment Supports, the Massachusetts Rehabilitation Commission: Vocational Rehabilitation, Community Based Employment Services; the Department of Transitional Assistance: Supported Work Program, ESP-Workforce Investment Area (WIA), Community Based Employment Service, Supplemental Nutrition Assisted Program (SNAP) Employment and Training; Massachusetts Commission for the Blind: Personal Vocational Adjustment. As of July 1, 2009, such services will be purchased as CIES services. A Governmental Unit may also purchase additional CIES at the rates set forth in 114.4 CMR 10.03(3).

Competitive Integrated Employment. A job in an integrated, community-based work setting where the Client receives wages and benefits paid by an employer that are comparable to wages and benefits paid to workers in similar positions.

Cost Report. The document used to report costs and other financial and statistical data. The Uniform Financial Statements and Independent Auditor's Report (UFR) are used when required.

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Division. The Division of Health Care Finance and Policy established under M.G.L. c. 118G.

Governmental Unit. The Commonwealth, any board, commission, department, division, or agency of the Commonwealth and any political subdivision of the Commonwealth.

Provider. Any individual, group, partnership, trust, corporation or other legal entity that offers services for purchase by a Governmental Unit and that meets the conditions of purchase or licensure that have been or may be adopted by a purchasing Governmental Unit.

Reporting Year. The Provider's fiscal year for which costs incurred are reported to the Operational Services Division on the Uniform Financial Statements and Independent Auditor's Report (UFR).

10.03: Rate Provisions

(1) Payment Methods.

(a) General. Purchasing Governmental Units will pay Providers a total payment per completed Service Component as defined in 114.4 CMR 10.03(2).

1. Standard Progress Documentation. Providers must use a standard form to document initiation and completion of a Service Component for each Client. Providers must submit all progress documentation, billing, and performance reporting through the Enterprise Invoice Management Service.

2. Initial Payment. The purchasing Governmental Unit shall pay the Provider an initial payment based on a specified percentage of the total payment at the initiation of a Service Component for a Client. For Intake, Evaluation and Assessment, the purchasing Governmental Unit will make an initial payment equal to 20% of the Service Component payment in 114.4 CMR 10.03(3). For all other Service Components, the purchasing agency will make an initial payment equal to 40% of the Service Component payment in 114.4 CMR 10.03(3). As authorized by EOHHS, the Division may revise these percentages by Administrative Bulletin.

3. Final Payment. The purchasing Governmental Unit will pay the difference between the Initial Payment and the total Service Component payment upon completion of the Service Component and submission of required documentation.

4. Administrative Adjustment for Extraordinary Circumstances. A Provider may petition the purchasing Governmental Unit for an administrative adjustment to reflect increases in operating costs due to unusual and unforeseen circumstances or extraordinary client service requirements not considered in the development of the current rates. Unusual and unforeseen circumstances are events of catastrophic nature (e.g. fire, flood, or earthquake) that are not covered by insurance that the prudent provider would carry. The Provider must demonstrate that such cost increases gravely threaten the stability of service provision such that client or consumer access to necessary services is at risk. The purchasing Governmental Unit will evaluate the need for the administrative adjustment, determine whether funding is available and convey that information to the Division of Health Care Finance and Policy for review to determine the amount of any adjustment.

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(b) Transitional Payment Method. For the period from July 1, 2009 through June 30, 2010, there are two payment methods for each Service Component: a total payment per completed Component, or an hourly payment. The purchasing Governmental Unit may elect the payment method based on the needs of its Clients. Effective July 1, 2010, all payments for CIES will be paid per Service Component with the exception of the ongoing and interim supports component rate, which will continue to be paid hourly. A purchasing Governmental Unit may not pay a Provider for a CIES component delivered to a Client by more than one payment method.

(c) Services Provided in Dukes or Nantucket County. In accordance with the provisions of Chapter 182 of the Acts of 2008, payment for services provided in programs located in Dukes or Nantucket County will be the rate for the service contained in 114.4 CMR 10.03(3) times a factor of 1.07.

(2) Service Components. Payment is based on five separate Service Components. The five Service Components are:

(a) Intake, Evaluation and Assessment. This Service Component requires the Client to articulate initial goals, commit to a service plan, and engage in services. Provider activities included in this Service Component include, but are not limited to: solicitation of client referrals; review of applications; initial client screening; interview of applicants; assessment of client interests and skills; performance of a situational assessment; identification of recommended support services; and completion of a comprehensive service plan.

(b) Job –Targeted Educational and Skills Training Activities. This Service Component is designed to ensure that the Client has sufficient training and/or education to enter job search and placement for initial employment in a competitive environment in accordance with his or her job goals or to reach stabilization in a competitive work environment with additional supports, if necessary. Specific provider activities include, but are not limited to, depending on client skills and learning style: vocational English language training; “fast-track” GED testing; short-term “soft” or “technical” job skills training; work adjustment, job search and interviewing skills.

(c) Job Development and Placement. This Service Component is designed to assist the Client to sustain initial employment for at least 30 days. Provider activities included in this Service Component include, but are not limited to: employment exploration; career plan development; development of collaborative employer relationships; job try-outs; job matching; and job placement.

(d) Initial Employment Supports. This Service Component is designed to assist the Client to sustain employment for at least 90 days and to demonstrate progress toward stability and confidence in job duties and workplace relationships. Provider activities in this Service Component include, but are not limited to: counseling, life and community skills development; continued development of employer education; and collaboration, training and conflict resolution.

(e) Ongoing and Interim Supports. This Service Component is designed to assist the Client to maintain stable employment with additional supports if necessary. Provider activities in this Service Component include, but are not limited to: counseling, life and community skills development; continued development of employer education; and collaboration, training and conflict resolution, provided on an as-needed basis. This Service Component is paid on an hourly basis. Interim Supports are used to assist a Client who does not require full participation in another Service Component to achieve re-employment or a job upgrade.

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(3) Approved Rates. Within each Service Component, there are two service levels that reflect the staff to client ratios necessary to meet Client needs. The appropriate level is determined by the purchasing Governmental Unit.

<i>Component Description</i>	<i>Unit of Service</i>	<i>Rate</i>
Intake, Evaluation and Assessment – Level A	Completed Component	\$355.00
Intake, Evaluation and Assessment – Level B	Completed Component	\$762.00
Intake, Evaluation and Assessment – Level A	Per hour	\$15.40
Intake, Evaluation and Assessment – Level B	Per hour	\$34.24
Job Focused Skill Development and Educational Activities – Level A	Completed Component	\$759.00
Job Focused Skill Development and Educational Activities – Level B	Completed Component	\$2,078.00
Job Focused Skill Development and Educational Activities – Level A	Per hour	\$15.40
Job Focused Skill Development and Educational Activities – Level B	Per hour	\$34.24
Job Development and Placement – Level A	Completed Component	\$1,294.00
Job Development and Placement – Level B	Completed Component	\$4,189.00
Job Development and Placement – Level A	Per hour	\$15.40
Job Development and Placement – Level B	Per hour	\$34.24
Initial Placement Supports – Level A	Completed Component	\$469.00
<i>Component Description</i>	<i>Unit of Service</i>	<i>Rate</i>
Initial Placement Supports – Level B	Completed Component	\$1,494.00
Initial Placement Supports - Level A	Per hour	\$15.40
Initial Placement Supports - Level B	Per hour	\$34.24
Ongoing and Interim Supports	Per Hour	\$34.24

10.04: Filing and Reporting Requirements

(1) General Provisions.

(a) Accurate Data. All reports, schedules, additional information, books, and records that are filed or made available to the Division shall be certified under pains and penalties of perjury as true, correct and accurate by the Executive Director or Chief Financial Officer of the Provider.

(b) Examination of Records. Each Provider shall make available to the Division or purchasing Governmental Unit upon request all records relating to its reported costs, including costs of any entity related by common ownership or control.

(2) Required Reports. Each Provider must file:

(a) an annual Uniform Financial Statement and Independent Auditor's report to the Division of Purchased Services in accordance with the filing requirements of Division of Purchased Services Regulation 808 CMR 1.00;

(b) any Cost Report supplemental schedule as issued by the Division of Health Care Finance and Policy to the Division; and

(c) any additional information requested by the Division of Health Care Finance and Policy within 21 days of a written request.

(3) Penalties. The Division may reduce the payment rates by 25% for any Provider that fails to submit required information. The Division will notify the Provider in advance of its intention to impose a rate reduction. The rate reduction will remain in effect until the required information is submitted to the Division.

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10.05: Severability of the Provisions of 114.4 CMR 10.00

The provisions of 114.4 CMR 10.00 are severable. If any provision of 114.4 CMR 10.00 or application of such provision to any eligible provider or fiscal intermediary is held invalid or unconstitutional, such determination will not affect the validity or constitutionality of any remaining provisions of 114.4 CMR 10.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.

REGULATORY AUTHORITY

114.4 CMR 10.00: M.G.L. c 118G